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210 SW MORRISON STREET
SUITE 400
PORTLAND, OR 97204

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AUG 31 2007

OFFICE OF PETITIONS

In re Application of :
Timothy, et al. :
Application No.: 10/066,465 : ON PETITION
Filing Date: January 30, 2002 :
Attorney Docket No. 6647-30 :

This is a decision on the petition under 37 CFR 1.47 filed May 10, 2007, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(3). This also a decision on the petition under 37 CFR 1.48 filed May 10, 2007.

The petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(3) is **granted**.

The petition under 37 CFR 1.48(a)(3) is also **granted**.

TREATMENT UNDER 37 CFR 1.183

The record reflects that all the joint inventors originally named in subject application executed the declaration required by 37 CFR 1.63, and that the executed declaration was filed with the original application papers on January 20, 2002. Petitioner now files the instant petition under 37 CFR 1.47 because one of the joint inventors cannot be located to sign the declaration required by 37 CFR 1.48(a)(3). Petitioner requests that the declaration under 37 CFR 1.48(a)(3) be accepted without the signature of inventor Vanorman because he cannot be located to sign the declaration.

It is noted that the provisions of 37 CFR 1.47 only apply to the execution of the original oath or declaration under 37 CFR 1.63. A petition under 37 CFR 1.47 is not appropriate in this case because inventor Vanorman executed the original declaration. Relief can be granted, pursuant to 37 CFR 1.183, by the waiver or suspension of the requirements of 37 CFR 1.48(a)(3) as to inventor Vanorman.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.183 so as to accept the declaration filed May 10, 2007, without the signature of inventor Vanorman.. The petition is granted; the requirement of 37 CFR 1.48(a)(3) that all the joint inventors execute the declaration required by 37 CFR 1.48(a)(3) is waived as to inventor Vanorman.

The fee for the petition under 37 CFR 1.183 is \$400.00 as per 37 CFR 1.183 and 1.17(f). Deposit account 13-1703 will be charged \$400.00, accordingly. The fee of \$200.00 charged for the petition under 37 CFR 1.47 will be refunded, in due course.

TREATMENT UNDER 37 CFR 1.48

On January 30, 2002, the above-identified application was filed with a declaration under 37 CFR 1.63 listing the joint inventors as “Boyd Timothy, Olin Atkinson, Christopher Seiler, Matthew Brooks, Shawn Holmstead, and John Vanorman, II.” Applicant realized that James Mark Norman should have been listed among the joint inventors. The instant petition is filed to correct this error.

Title 37 of the *Code of Federal Regulations*, section 1.48(a) provides:

(a) *Nonprovisional application after oath/declaration filed.* If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

In conjunction with the petition to waive the requirements of 37 CFR 1.48(a)(3) as to inventor Vanorman, the instant petition satisfies all of the requirements of 37 CFR 1.48(a) and is granted. A corrected filing receipt is enclosed.

The application file will be forwarded to Technology Center 2100, GAU 2178 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/066,465	01/30/2002	2178	1870	6647-30	53	7

CONFIRMATION NO. 3498

45842

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CORRECTED FILING RECEIPT



OC000000025639943

Date Mailed: 08/31/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Boyd "H". Timothy, Provo, UT;
 Olin Sayre Atkinson, Orem, UT;
 Christopher Jean Seiler, Pleasant Grove, UT;
 Matthew Gerrit Brooks, Orem, UT;
 Shawn Matthew Holmstead, Lehi, UT;
 John Ransom VanOrman II, Lindon, UT;
 James Mark Norman, Pleasant Grove, UT;

Assignment For Published Patent Application

Novell, Inc., Provo, UT

Power of Attorney: The patent practitioners associated with Customer Number **20575**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/27/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/066,465**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Method and apparatus to dynamically provide web content resources in a portal

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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NOT GRANTED

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